



PATENT  
29250-000262

DAE  
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#75

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark H. ETZEL et al.

Conf: 2566

Serial No.: 09/120,763

Group: 2131

Filed: July 22, 1998

Examiner: James Seal

For: METHODS AND APPARATUS FOR ENHANCED CMEA INCLUDING A  
CMEA ITERATION PRECEDED AND FOLLOWED BY  
TRANSFORMATIONS AND EMPLOYING AN INVOLUNTARY LOOKUP

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

April 23, 2003

APR 30 2003

Dear Sir:

Technology Center 2100

In response to the Decision on Petition dated February 24, 2003, Applicants hereby respectfully re-petition under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) for decision to withdraw the holding of abandonment.

The Decision on Petition indicates that until March 6, 2002 the correspondence address of record is Peter W. Priest, 529 Dogwood Drive, Chapel Hill, NC 27516. However, as indicated by the **Declaration of Richard Anderson attached as Exhibit I** and the supporting evidence in **Exhibits A and B** to Mr. Anderson's Declaration, a change of correspondence address was filed by the firm of Birch, Stewart, Kolasch & Birch on January 25, 2001. The change of correspondence address changed the correspondence address to the Birch, Stewart firm. Accordingly, the Office Action dated June 28, 2001 should have been mailed to the Birch, Stewart firm.

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OFFICE OF PETITIONS

The fact that the Office Action dated June 28, 2001 was never received in the offices of Birch, Stewart, Kolasch & Birch is evidenced by **Exhibits C and D** attached to Mr. Anderson's Declaration (see **Exhibit I**). **Exhibit C** is a copy of the computer-generated daily docket sheet of the Birch, Stewart firm for the date of September 28, 2001 (the due date for replying to the Office Action), containing entries made by their Docketing Personnel of due dates in response to United States Patent and Trademark Office Actions. As stated by Mr. Anderson, it was the policy of the Birch Stewart firm to docket all due dates for Office Actions received from United States Patent and Trademark Office into the computer docketing system. As certified by Mr. Anderson, he has reviewed the computer-generated daily docket sheets for the due date of September 28, 2001 and did not locate an entry which corresponds to Attorney Docket No. 29250-262P.

**Exhibit D** is a copy of the front page of the file jacket of Serial No. 09/120,763 (which corresponds to the Birch, Stewart Attorney Docket No. 2925-262P). As indicated by in Mr. Anderson's Declaration it was the policy in the Birch Stewart firm to record all information regarding Office Actions and responses on the front page of the file jacket. As certified by Mr. Anderson, there is no entry for the Office Action dated June 28, 2001 on the front page of the file jacket of the above-referenced application.

As to the timeliness of the original Petition filed on August 23, 2002, the time taken to prepare the petition was the result of having to obtain evidence in support of the Petition from more than one law firm.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with the mailing of the June

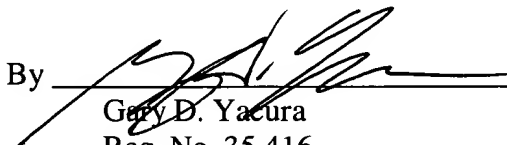
28, 2001 Office Action. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts, and applicants believe that no petition fee is necessary in connection with this petition. In the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Petitions Examiner is invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By

  
\_\_\_\_\_  
Gary D. Yacura  
Reg. No. 35,416

P.O. Box 8910  
Reston, VA 20195

GDY:jcp

Attachments: **Exhibit I**

# **EXHIBIT I**



PATENT  
29250-000262

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark H. ETZEL et al.

Conf: 2566

Serial No.: 09/120,763

Group: 2131

Filed: July 22, 1998

Examiner: James Seal

For: METHODS AND APPARATUS FOR ENHANCED CMEA INCLUDING A  
CMEA ITERATION PRECEDED AND FOLLOWED BY  
TRANSFORMATIONS AND EMPLOYING AN INVOLUNTARY LOOKUP

**DECLARATION IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

April 23, 2003  
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Dear Sir:

APR 30 2003

Technology Center 2100

The undersigned hereby certifies and states that:

1) U.S. Application No. 09/120,763 was given Attorney Docket No. 2925-262P at the  
offices of Birch, Stewart, Kolasch & Birch.

2) The Office Action dated June 28, 2001 should have been received by the offices of  
Birch Stewart Kolasch & Birch for the application referenced in **Item 1)** as evidenced by  
**Exhibits A-B** attached hereto.

**Exhibit A** is a copy of a change of correspondence address filed January 25,  
2001, changing the correspondence address in the above-reference application to the firm  
of Birch, Stewart, Kolasch & Birch.

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APR 25 2003

OFFICE OF PETITIONS

Appl. No. 09/120,763

**Exhibit B** is a copy of the date stamped post card showing that the change of correspondence address was received by the U.S. Patent and Trademark Office on January 25, 2001.

3) The Office Action dated June 28, 2001 was not received by the offices of Birch, Stewart Kolasch & Birch for the application referenced in **Item 1)** as evidenced by **Exhibits C-D** attached hereto.

**Exhibit C** is a copy of the computer-generated daily docket sheet of the Birch Stewart firm for the date of September 28, 2001 (the due date for replying to the Office Action), containing entries made by our Docketing Personnel of due dates in response to United States Patent and Trademark Office Actions. It is and was the policy of the Birch Stewart firm to docket all due dates for Office Actions received from United States Patent and Trademark Office into the computer docketing system.

**Exhibit D** is a copy of the front page of the Birch, Stewart file jacket of Serial No. 09/120,763 (which corresponds to the Birch, Stewart Attorney Docket No. 2925-262P). It is and was the policy in the Birch, Stewart firm to record all information regarding Office Actions and responses on the front page of the file jacket.

4) I certify that I reviewed the computer-generated daily docket sheet in **Exhibit C** and did not locate an entry which corresponds to Attorney Docket No. 2925-262P.

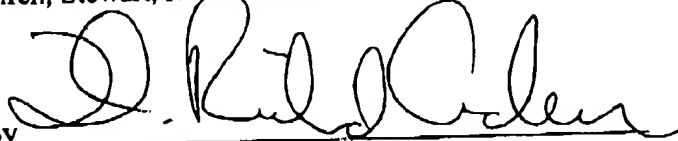
Appl. No. 09/120,763

5) I certify that I have reviewed the copy of the front page of the file jacket in **Exhibit D** and have found no entry for the Office Action dated June 28, 2001.

Respectfully submitted,

Birch, Stewart, Kolasch & Birch L.L.P.

By



D. Richard Anderson  
Reg. No. 40,439

8110 Gatehouse Rd.  
Falls Church, VA 22041

Attachments: **Exhibits A-D**

# **EXHIBIT A**





BOX ISSUE FEE  
PATENT  
2925-0262P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ETZEL et al.

Appl. No.: 09/120,763 Group: 27661

Filed: July 22, 1998 Examiner: J. SEAL

For: METHODS AND APPARATUS FOR ENHANCED CMEA  
INCLUDING A CMEA ITERATION PRECEDED AND  
FOLLOWED BY TRANSFORMATIONS AND  
EMPLOYING AN INVOLUNTARY LOOKUP

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Technology Center 2100

CHANGE OF ATTORNEYS' ADDRESS

Assistant Commissioner for Patents  
Washington, DC 20231

January 25, 2001

Sir:

Please change the address for all future mail to the  
undersigned to:

Birch, Stewart, Kolasch & Birch, LLP  
P.O. Box 747  
Falls Church, Virginia 22040-0747

Please direct all telephone calls to the undersigned as  
follows:

(703) 205-8000

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Gary E. Yacura, #35,416

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GDY/tmd  
2925-0262P

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# **EXHIBIT B**

Papers Filed herewith on:

1/25/01

DOCKET NO.:

2925-0262P

ATTY.:

EDY

APPLICANT(S):

ETZEL et al.

APPLN. NO.:

09/120,763

FILED:

7/22/98

PAT NO.:

- ☐ New Application with Transmittal Letter
- ☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
- ☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
- ☐ Filing Under 37 CFR 1.53(d) (CPA)
- ☐ Filing Under 37 CFR 1.114(RCE)
- ☐ Specification Consisting of: \_\_\_\_\_ pages
- ☐ Combined Declaration & Power of Attorney
- ☐ Assignment / Cover Letter
- ☐ Letter to Official Draftsman
- ☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
- ☐ Completion of Filing Requirements, PCT/DO/ID/505 or Formalities Letter and Executed Declaration
- ☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_
- ☐ Amendment: \_\_\_\_\_
- ☐ Transmittal ☐ Large Entity ☐ Small Entity
- ☐ Response \_\_\_\_\_
- ☐ Information Disc Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)
- ☐ Notice of Appeal ☐ Appeal Brief
- ☐ Issue Fee Transmitted
- ☐ FEES: \_\_\_\_\_
- ☐ Letter: \_\_\_\_\_
- ☒ Change of Attorneys
- Address

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS

Due Date: \_\_\_\_\_

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# **EXHIBIT C**

Date: 09/27/01

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09/28/01	2185-0552P				
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3430-0170P

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# **EXHIBIT D**

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CLIENT COPIES See Special Instr.

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ENTITY

(FILED)

SUPPLEMENTAL VOLUME(S)

INVENTOR Mark H. Etzel, Robert J. Frank, Daniel N. Heer,  
Robert J. McNelis, Semyon B. MiziKovsky, Robert J. Rance,  
R. Dale Shipp

TITLE 206 HRS. 1. Arguments for Enhanced CMEA including a CMEA Iteration preceded by  
one round of multi-gaming and employing an involuntary look-up

APPLICATION NO. 09/120 763

FILED: 7-22-98

PRIORITY CLAIMED

RECLAIMED

DRWGS. NO. OF SHEETS

## FOREIGN CASES

[illegible]

## ASSIGNMENT

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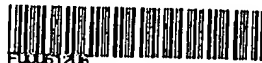
TO Lucent Technologies Inc.  
Murray Hill, N.J. State of  
Delaware

**ADDRESS**

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REEL

FRAME(S)



2925-0262P

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DOCKET NO. 2485-2021

CLIENT Lucent Technologies, Inc. THEIR REF

113249/47221 ~ 011 0-12-8-3

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